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19 *Attorneys for Plaintiff Primerica Life
20 Insurance Company*

21 **UNITED STATES DISTRICT COURT
22 DISTRICT OF NEVADA**

23 PRIMERICA LIFE INSURANCE COMPANY,
24 a foreign corporation,

CASE NO. 2:20-cv-00121-JAD-BNW

25 Plaintiff,

26 v.

27 KAREN V. AGUILAR, an individual;
28 GWENDOLYN LEAH DYSON, as
Administrator of the Estate of John Leonard
Coleman; AMERICAN FUNERAL
FINANCIAL, LLC, a South Carolina limited
liability corporation and, DOES 1-10,

Defendants.

**MOTION FOR SCHEDULING
CONFERENCE PURSUANT TO
LOCAL RULE 22-1.**

Pursuant to Local rule 22-1, Interpleader Plaintiff Primerica Life Insurance Company (“Plaintiff”) hereby moves this court for a scheduling conference pursuant to Local Rule 22-1. This Motion is based on the pleadings and papers on file and the attached memorandum points and authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

Local Rule 22-1 provides:

LR 22-1. INTERPLEADER ACTIONS

In all interpleader actions, the plaintiff must file a motion requesting that the court set a scheduling conference. The motion must be filed within 30 days after the first defendant answers or otherwise appears. At the scheduling conference, the plaintiff must advise the court about the status of service on all defendants who have not appeared. In addition, the court and parties will develop a briefing schedule or discovery plan and scheduling order for resolving the parties' competing claims. If the plaintiff fails to prosecute the interpleader action by failing to file the motion required by this rule, the court may dismiss the action. No discharge will be granted and no plaintiff will be dismissed before the scheduling conference takes place.

9 Here, there are three defendants, Karen Aguilar (“Aguilar”), Gwendolyn Dyson, as the
10 administrator of the estate (“Dyson”), and American Funeral Financial, LLC (“AFF”). AFF
11 waived service of summons on January 27, 2020. (ECF No. 3). Aguilar waived service of
12 summons on January 29, 2020. (ECF No. 6). Dyson refused to waive service of summons.¹
13 Therefore, Dyson was personally served on March 11, 2020.² (ECF No. 9).

14 On March 20, 2020, AFF filed its Answer (and Crossclaim against Dyson), becoming the
15 first defendant to answer or otherwise appear. (ECF No. 10). Aguilar filed her answer on March
16 30, 2020. (ECF No. 12). Accordingly, Plaintiff is on the clock to file this Motion pursuant to LR
17 22-1, and hereby requests the scheduling of a status conference. At the scheduling conference,
18 Plaintiff will provide an updated status of service on all defendants who have not appeared, work
19 to create a briefing schedule and scheduling order, and ask this court for an Order to deposit the
20 contested interplead funds and to dismiss Plaintiff from this action.

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25 ¹ On February 20, 2020, Dyson's counsel, Kendal Weisenmiller indicated that she was not
26 authorized to waive service and Dyson would be seeking new counsel. Weisenmiller refused to
27 provide any further clarification or to respond to any of Plaintiff's emails or telephone calls, let
 alone confirm that she no longer represents Dyson after that point. Plaintiff is proceeding as if
 Dyson is unrepresented.

² Dyson's 21-day deadline to answer the initial Complaint was Wednesday, April 1, 2020, no Answer has been filed to date.

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Accordingly, Plaintiff respectfully requests that this Court grant its Motion for a Scheduling Conference pursuant to Local Rule 22-1.

Dated this 3rd day of April 2020.

FORAN GLENNON PALANDECH PONZI &
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By: /s/ Lee H. Gorlin

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*Attorneys for Plaintiff Primerica Life
Insurance Company*

IT IS ORDERED that ECF No. 15 is
GRANTED.

IT IS FURTHER ORDERED that a scheduling conference is set for April 22, 2020 at 1:00 p.m. This hearing will be telephonic. Parties are directed to dial (877) 810-9415 and enter access code 2365998 when prompted. Please contact Courtroom Administrator Jeff Miller at 702-464-5420 with any questions.

IT IS SO ORDERED

DATED: April 06, 2020

Gerbweker

BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing **MOTION FOR SCHEDULING CONFERENCE PURSUANT TO LOCAL RULE 22-1**. was served by the method indicated:

- BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A printed transmission record is attached to the file copy of this document(s).

BY U.S. MAIL: by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed to the parties who have yet to appear, as set forth below.

Gwendolyn Leah Dyson
1012 Allure Drive
Las Vegas, Nevada, 89128

Defendant in Proper Person

- BY ELECTRONIC SERVICE:** submitted to the above-entitled Court for electronic service upon the Court's Service List for the above-referenced case.

BY EMAIL: by emailing a PDF of the document listed above to the email addresses of the individual(s) listed below.

Dated: April 3, 2020.

/s/ Rita Tuttle
An Employee of Foran Glennon